

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA**

In re:)	
)	Chapter 11
MERCY HOSPITAL, IOWA CITY, IOWA,)	
<i>et al.</i> ,)	Case No. 23-00623 (TJC)
)	
Debtors.)	Jointly Administered
)	EXPEDITED RELIEF REQUESTED

**DEBTORS' EXPEDITED MOTION TO ADJOURN HEARING
ON DECEMBER 19, 2023**

Mercy Hospital, Iowa City, Iowa (“Mercy” or the “Hospital”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the “Debtors”), hereby move (the “Motion”) for entry of an order substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), granting the relief described below. In support thereof, Mercy respectfully represents as follows:

RELIEF REQUESTED

1. By the Motion, Debtors respectfully request the entry of the Proposed Order adjourning and continuing the matters set for hearing on December 19, 2023 at 10:30 A.M. (the “Hearing”).

2. The United States Bankruptcy Court for the Northern District of Iowa (the “Court”) has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the Public Administrative Order referring bankruptcy cases entered by the United States District Court for the Northern District of Iowa. This is a core proceeding under 28 U.S.C. § 157(b). Venue of these cases and the Motion in this District is proper under 28 U.S.C. §§ 1408 and 1409.

3. The legal predicates for the relief requested herein are section 105 of title 11 of the United States Code (the “Bankruptcy Code”) Rule 5071-1 of the *Local Rules of Bankruptcy Practice and Procedure* (the “Local Rules”).

BACKGROUND AND REQUEST FOR RELIEF

4. On November 30, 2023, the Debtors filed their *Revised Notice of Hearing on Final Cash Collateral Order, Final Cash Management Order, and Reconsideration Motion* [Docket No. 547] (the “December 19 Hearing Notice”). The December 19 Hearing Notice provided notice of a hearing before the Court on December 19, 2023 at 10:30 A.M. (the “Hearing”) on the Cash Management Motion,¹ the Cash Collateral Motion, and the Reconsideration Motion.

5. On December 15, 2023 the Debtors filed a *Notice of Proposed Agreed Order Resolving Everbank Motion for Reconsideration* [Docket No. 575], which had an agreed proposed order attached thereto as Exhibit A (the “Everbank Proposed Order”). The Everbank Proposed Order was agreed to by the Debtors, Everbank, and State University of Iowa and entry of the Everbank Proposed Order would obviate the need for the Hearing on the Reconsideration Motion.

6. On December 15, 2023, the Debtors also filed a *Notice of Continuation of Hearing on Final Cash Collateral Order and Revised Notice of January 22, 2024 Hearing* [Docket No. 577], which had attached thereto as Exhibit A the *Stipulation and Agreement Regarding Cash Collateral* (the “Cash Collateral Stipulation”). Pursuant to the Cash Collateral Stipulation, the Debtors, Official Committee of Unsecured Creditors, and the Secured Bondholder Representatives (as defined in the Cash Collateral Stipulation) agreed, among other things, to continue the Hearing

¹ Capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the December 19 Hearing Notice.

with respect to the Cash Collateral Motion until the hearing already set for January 22, 2024 (the “January 22 Hearing”).

7. Additionally, counsel for the Debtors exchanged email correspondence with counsel for the United States Trustee’s office regarding continuing the Hearing with respect to the Cash Management Motion until the January 22 Hearing. The United States Trustee’s office agreed to continue the Hearing with respect to the Cash Management Motion until the January 22 Hearing.

8. Accordingly, the Debtors respectfully request that the Court adjourn the Hearing. Counsel for the Debtors will file an amended hearing notice resetting the Cash Management Motion and Cash Collateral Motion for the January 22 Hearing.

9. Counsel for the United States Trustee, Everbank, the Committee, and Secured Bondholder Representatives have consented to the relief requested in this Motion. According, this Motion complies with Local Rule 5071-1.

10. Good cause exists to continue the Hearing. The Debtors, Committee, and Secured Bondholder Representatives are continuing discussions regarding consensual resolution of issues regarding cash collateral. Allowing the parties to continue these discussions will allow the Debtors to avoid the costs of preparing for and attending the Hearing.

11. Accordingly, the Debtors respectfully request that the Court grant this Motion and continue the Hearing as set forth in the Proposed Order and grant any other relief that is equitable and just.

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Dated: December 15, 2023
Cedar Rapids, Iowa

Respectfully Submitted,

/s/ Roy Leaf

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Counsel for Debtors and Debtors-in-Possession

Certificate of Service

The undersigned certifies, under penalty of perjury, that on this December 15, 2023, the foregoing document was electronically filed with the Clerk of Court using the Northern District of Iowa CM/ECF and the document was served electronically through the CM/ECF system to the parties of this case

/s/ Roy Leaf